



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

**HB4694**

Introduced 1/12/2006, by Rep. Deborah L. Graham

#### SYNOPSIS AS INTRODUCED:

720 ILCS 5/24-9

Amends the Criminal Code of 1961. Provides that it is unlawful for any person to store or leave, within premises under his or her control, a firearm if the person knows or has reason to believe that a minor under the age of 18 (rather than 14) years who does not have a Firearm Owners Identification Card is likely to gain access to the firearm without the lawful permission of the minor's parent, guardian, or person having charge of the minor unless the firearm is secured. Eliminates the provision that the person who stores or leaves the firearm is criminally liable only if the minor causes death or great bodily harm with the firearm. Provides that if the minor causes death or great bodily harm with the unlawfully stored firearm, the penalty is a Class A misdemeanor (rather than a Class C misdemeanor). Eliminates the provision that the firearm may be placed in some location that a reasonable person would believe would be secure from a minor. Provides that if the firearm is placed in a securely locked box or container, it must be unloaded and disassembled.

LRB094 16843 RLC 52121 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 1961 is amended by changing  
5 Section 24-9 as follows:

6 (720 ILCS 5/24-9)

7 Sec. 24-9. Firearms; minor protection ~~Child Protection~~.

8 (a) Except as provided in subsection (c), it is unlawful  
9 for any person to store or leave, within premises under his or  
10 her control, a firearm if the person knows or has reason to  
11 believe that a minor under the age of 18 ~~14~~ years who does not  
12 have a Firearm Owners Identification Card is likely to gain  
13 access to the firearm without the lawful permission of the  
14 minor's parent, guardian, or person having charge of the minor,  
15 ~~and the minor causes death or great bodily harm with the~~  
16 ~~firearm,~~ unless the firearm is:

17 (1) secured by a device or mechanism, other than the  
18 firearm safety, designed to render a firearm temporarily  
19 inoperable; or

20 (2) unloaded and disassembled and placed in a securely  
21 locked box or container; or

22 (3) (blank) ~~placed in some other location that a~~  
23 ~~reasonable person would believe to be secure from a minor~~  
24 ~~under the age of 14 years.~~

25 (b) Sentence.

26 (1) Except as otherwise provided in paragraph (2) of  
27 this subsection (b), a ~~A~~ person who violates this Section  
28 is guilty of a Class C misdemeanor and shall be fined not  
29 less than \$1,000. A second or subsequent violation of this  
30 Section is a Class A misdemeanor.

31 (2) Except as provided in subsection (c), a person who  
32 violates this Section, and a minor under the age of 18

1       causes death or great bodily harm with the firearm stored  
2       or left in violation of this Section, is guilty of a Class  
3       A misdemeanor.

4       (c) Paragraph (2) of subsection (b) ~~Subsection (a)~~ does not  
5 apply:

6             (1) if the minor under 18 ~~14~~ years of age gains access  
7 to a firearm and uses it in a lawful act of self-defense or  
8 defense of another; or

9             (2) to any firearm obtained by a minor under the age of  
10 18 ~~14~~ because of an unlawful entry of the premises by the  
11 minor or another person.

12       (d) For the purposes of this Section, "firearm" has the  
13 meaning ascribed to it in Section 1.1 of the Firearm Owners  
14 Identification Card Act.

15       (Source: P.A. 91-18, eff. 1-1-00.)